

Commonwealth of Pennsylvania
COUNTY OF YORK

SEARCH WARRANT AND AFFIDAVIT

McBRIDE YORK CITY POLICE DEPT. 50 W. KING ST. YORKPA. 849-2206
(Affiant) (Police Department or address of private Affiant) (Phone No.)

WARRANT CONTROL NO.
L 10305

DATE OF APPLICATION

9-7-00

INVENTORY NO.

K22821

I, McBRIDE, sworn (or affirmed) before me according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure, and is located at particular premises or in the possession of particular person as described below.

IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (be as specific as possible): **MARIJUANA, A SCHEDULE I CONTROLLED SUBSTANCE ALONG WITH ANY OTHER DRUGS AND/OR PARAPHERNALIA, PACKAGING MATERIALS, SCALES, BUSINESS RECORDS AND OTHER DOCUMENTARY AND PHYSICAL ITEMS RELATING TO THE POSSESSION, DISTRIBUTION AND SALE OF NARCOTICS AND DANGEROUS DRUGS, ALSO ANY PERSON THERE TO PREVENT THE CONCEALMENT OR DESTRUCTION OF EVIDENCE**

SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSONS TO BE SEARCHED (Street and No., Apt. No., Vehicle, Safe Deposit Box, etc.):
456 LINCOLN ST. 1ST FL. APARTMENT, SPECIFICALLY A 3STORY SEMI-DETACHED APARTMENT BUILDING WITH TAN BRICK, WHITE TRIM, 2ND FL BAY WINDOW, FRONT PORCH, #456 IN WINDOW ABOVE FRONT PORCH.

NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):
ZULIEKA WOODARD AND UNKNOWN MALE

VIOLATION OF (Describe conduct or specify statute):

ACT#64 SEC 13(a)30 POSSESSION WITH INTENT TO DELIVER A CONTROLLED SUBSTANCE

DATE OF VIOLATION
9-5-00 THRU 9-7-00

PROBABLE CAUSE BELIEF IS BASED ON THE FOLLOWING FACTS AND CIRCUMSTANCES:

THE UNDERSIGNED IS DET. JAMES MCBRIDE, WHO IS PRESENTLY ASSIGNED TO THE VICE AND NARCOTICS DIVISION OF THE YORK CITY POLICE DEPT.. BASED ON THE FOLLOWING INFORMATION I BELIEVE THAT A DRUG VENDING OPERATION IS BEING CONDUCTED FROM THE ABOVE MENTIONED ADDRESS. SPECIFICALLY THIS OFFICER RECEIVED INFORMATION FROM A CONFIDENTIAL INFORMANT WHO ADVISED THAT THERE WAS A LOT OF TRAFFIC IN AND OUT OF THE ABOVE ADDRESS IN WHICH SUBJECTS WOULD ARRIVE, STAY A SHORT TIME AND THEN LEAVE. ON 9-5-00 THIS OFFICER PICKED UP THE TRASH PLACED TO THE REAR OF 456 LINCOLN ST.. THEY WERE IN WHITE PLASTIC BAGS WITH RED PULL TIES. IN THIS TRASH I RECOVERED OVER (12) SANDWICH BAGGIES CUT UP IN A METHOD USED TO PACKAGE CONTROLLED SUBSTANCE. ALSO FOUND WAS MARIJUANA STEMS (FIELD TESTED POSITIVE FOR MARIJUANA) AND A PAPER WITH THE ADDRESS OF 456 LINCOLN ST.. ON 9-7-00 I PICKED UP TRASH TO THE REAR OF 456 LINCOLN ST. AGAIN. ONCE AGAIN IT WAS IN WHITE PLASTIC BAGS WITH RED PULL TIES. RECOVERED FROM THIS TRASH WAS HALF A MARIJUANA JOINT, MARIJUANA STEM, NOTE TO PERSON NAMED WOODARD AND A CABLE BILL FOR ZULIEKA WOODARD OF 456 LINCOLN ST. 1ST FL.. THE MARIJUANA FIELD TESTED POSITIVE FOR MARIJUANA. THERE WAS ALSO (1) SANDWICH BAGGIE CUT UP WITH CORNERS MISSING. BASED UPON THIS INFORMATION I REQUEST A SEARCH WARRANT FOR 456 LINCOLN ST. 1ST FL..

ATTACH ADDITIONAL PAPER (5) COPIES IF NECESSARY ☐ CHECK HERE IF ADDITIONAL PAPER IS USED.

RESULT OF SEARCH GIVE BRIEF NARRATIVE OF WHAT HAPPENED	DATE AND TIME OF SEARCH 9-8-00 0935		<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	ARREST <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	JUDGE'S DISPOSITION <input type="checkbox"/> DISC. <input type="checkbox"/> HELD FOR COURT <input type="checkbox"/> FURTHER HEARING <input type="checkbox"/> FINED OR COMMITTED		
	PROPERTY SEIZED (If "yes" list inventory on separate form, R2008 and enter control number(s) here K22821) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						
	SIGNATURE OF PERSON SEIZING PROPERTY <i>[Signature]</i>		BADGE NO. 171	OTHER OFFICERS PARTICIPATING IN SEARCH <i>Kessler, Redmond, Roberts, Packer, Dehart, Glawnsch,</i>			
	Signature of Affiant <i>[Signature]</i>		YORK CITY POLICE DEPT. 50 W. KING ST. Address of Private Affiant		171 Badge No.		District/Unit
Sworn to and subscribed before me this 7th day of SEPT 19 20 Office 577 md Ave. <i>[Signature]</i> (SEAL) Mag. Dist. No. 19-1-02 York No 17404 Signature of Issuing Authority							



Commonwealth of Pennsylvania

COUNTY OF YORK

ss.

SEARCH WARRANT
AND AFFIDAVIT

DET. JAMES MCBRIDE YORK CITY POLICE DEPT. 50 W. KING ST. YORK PA. 849-2206

(Name of Affiant)

(Police Department or address of private Affiant)

(Phone No.)

WARRANT CONTROL NO.

L 10308

DATE OF APPLICATION

SEPT. 8, 2000

INVENTORY NO.

K 22822

being duly sworn (or affirmed) before me according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure, and is located at particular premises or in the possession of particular person as described below.

IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (be as specific as possible): MARIJUANA, AND COCAINE A SCHEDULE I & II CONTROLLED SUBSTANCE ALONG WITH ANY OTHER DRUGS AND/OR PARAPHERNALIA, PACKAGING MATERIALS, SCALES, BUSINESS RECORDS AND CASH AND OTHER DOCUMENTARY AND PHYSICAL ITEMS RELATING TO THE POSSESSION, DISTRIBUTION AND SALE OF NARCOTIC AND DANGEROUS DRUGS, ALSO ANY PERSON THERE TO PREVENT THE CONCEALMENT OR DISRUPTION OF EVIDENCE.

SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSONS TO BE SEARCHED (Street and No., Apt. No., Vehicle, Safe Deposit Box, etc.):

1210 W. KING ST. WEST YORK, YORK COUNTY PENNA., SPECIFICALLY A 2STORY APARTMENT BUILDING WITH THE #12100N FRONT DOOR. TAN BRICK BUILDING. SPECIFICALLY THE 2ND FL. EAST APARTMENT. ALSO 1990 LIGHT COLORED HONDA PA REG# CCB-2812

NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):

ANTHONY ALSTON

VIOLATION OF (Describe conduct or specify statute):

ACT#64 SEC 1309a) 30 POSSESSION WITH INTENT TO DELIVER A CONTROLLED SUBSTANCE

DATE OF VIOLATION

SEPT. 5th-8th, 2000

PROBABLE CAUSE BELIEF IS BASED ON THE FOLLOWING FACTS AND CIRCUMSTANCES:

THE UNDERSIGNED IS DET. JAMES MCBRIDE, WHO IS PRESENTLY ASSIGNED TO THE VICE AND NARCOTICS DIVISION OF THE YORK CITY POLICE DEPT., BASED ON THE FOLLOWING INFORMATION I BELIEVE THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT A DRUG VENDING AND/OR STORAGE OPERATION IS BEING CONDUCTED FROM THE ABOVE MENTIONED APARTMENT. ON 9-8-00 AT APPROX. 0935HRS OFFICER EXECUTED A SEARCH WARRANT AT 456 LINCOLN ST. 1ST FL. AND RECOVERED A LARGE QUANTITY OF COCAINE, CASH AND PARAPHERNALIA, ALSO MARIJUANA. FIELDTESTED POSITIVE FOR MARIJUANA AND COCAINE. AMONG THE COCAINE WAS PAPERS TO ANTHONY ALSTON OF 1210 W. KING ST.. OFFICERS TALKED TO ZULIEKA WOODARD OF 456 LINCOLN ST. 1ST FL. AND LEARNED THAT HER BOYFRIEND ANTHONY ALSTON STAYS OVER NIGHT FROM TIME TO TIME AND LIVES AT 1210 W. KING ST. 2ND FL.. SHE ADVISED THAT THE COCAINE FOUND IN HER APARTMENT WAS ANTHONY ALSTON'S. THE QUANTITY OF COCAINE RECOVERED WAS SEVERAL ONCES YET THERE WAS ONLY A SMALL AMOUNT OF CASH. WOODARD ADVISED THAT ALSTON STAYS OVER NIGHT AND THEN RETURNED TO HIS APARTMENT OF 1210 W. KING ST.. DUE TO THE SIZE OF THIS OPERATION IN MY EXPERIENCE THERE SHOULD BE MORE CASH INVOLVED AND PROBABLE CAUSE TO BELIEVE THAT ANTHONY ALSTON WOULD STORE MORE QUANTITY OF COCAINE AND CASH AT HIS APARTMENT. A CRIMINAL HISTORY CHECK OF ANTHONY ALSTON SHOWED THAT HE HAS A PRIOR RECORD FOR POSSESSION WITH INTENT TO DELIVER CONTROLLED SUBSTANCE. MS. WOODARD ADVISED THAT ANLSTON DRIVES A LIGHT COLORED 1990 HONDA PA REG# CCB-2812 TO GET FROM W. KING ST. TO LINCOLN ST. AND BACK.

ATTACH ADDITIONAL PAPER (5) COPIES IF NECESSARY ☐ CHECK HERE IF ADDITIONAL PAPER IS USED.

RESULT
OF
SEARCHGIVE BRIEF
NARRATIVE
OF WHAT
HAPPENED

DATE AND TIME OF SEARCH

9-8-00 1151

☒ A.M.
☐ P.M.

ARREST

☒ YES ☐ NO.

JUDGE'S DISPOSITION

☐ DISC. ☐ HELD FOR COURT ☐ FURTHER HEARING ☐ FINED OR COMMITTED

PROPERTY SEIZED

☒ YES ☐ NO

(If "yes" list inventory on separate form, R2008 and enter control number(s) here K 22822)

SIGNATURE OF PERSON SEIZING PROPERTY

BADGE NO.

OTHER OFFICERS PARTICIPATING IN SEARCH:

Signature of Affiant

YORK CITY POLICE DEPT. 50 W. KING ST.

Address of Private Affiant

Badge No.

District/Unit

Sworn to and subscribed before me this

8TH

day of

SEPT

10-00

Office

Address

SUITE 2

YORK

(SEAL) Mag. Dist. No.

4-102

Signature of Issuing Authority

IN THE COURT OF COMMON PLEAS OF YORK COUNTY
PENNSYLVANIA

- - -
COMMONWEALTH : NO. 4910 CA 2000
 :
vs. :
 :
ANTHONY J. ALSTON : Omnibus Pretrial Motion
- - -

York, Pa., Monday, January 29, 2001
Before The Honorable John S. Kennedy, Judge
- - -

APPEARANCES:

JAMES M. REEDER, ESQUIRE
Assistant District Attorney
For the Commonwealth

DOUGLAS P. FRANCE, ESQUIRE
For the Defendant

* * *
O R D E R

What I will do, I will rule that the warrant to search 456 Lincoln Street is a valid warrant. I understand that Mr. France's arguments made reference to confidential informant. We believe the search of 456 Lincoln Street was relevant and appropriate and we believe that based on that search and the statements made by Miss Woodard, that the police certainly had probable cause to arrest the defendant, and it appears that he was arrested and properly Mirandized; however, we do not believe that the affidavit, as it relates to 1210 West King Street, has sufficient probable cause, sufficient information to justify probable cause to search 1210 West King Street and we will suppress any evidence found at 1210 West King Street.

We have not yet heard all of the statements made by the defendant. If any of those statements were made surrounding the activities at 1210 West King Street, we would likely suppress them but we reserve ruling on the suppression of the statements until prior to trial, unless the parties can agree on an earlier time to hear that matter.

As we view that issue, it will be simply a matter of whether or not the defendant was indeed Mirandized by the other officers or whether the officers took the defendant's statements shortly after the defendant had been Mirandized by Officer Roberts and whether or not any of those questions or information elicited as a result of the search of 1210 West King Street would be suppressed, and again, we suppress the evidence seized at 1210 West King Street.

The defendant is scheduled for pretrial conference in February, on the 13th, 14th and 15th.

* * *

pzf: 3-1-01